

SENATE, No. 803

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Monmouth)

SYNOPSIS

“Parent Empowerment and Choice Act”; enables parents to initiate reform in low performing schools through a petition process.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the reform of low performing schools,
2 supplementing Title 18A of the New Jersey Statutes, and
3 amending P.L.2007, c.260.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) Sections 1 through 5 of P.L. , c. (C.)
9 (pending before the Legislature as this bill) shall be known and may
10 be cited as the “Parent Empowerment and Choice Act.”
11

12 2. (New section) As used in this act:

13 “Low performing school” means any public school that meets the
14 criteria of paragraph (1) or paragraph (2):

15 (1) among all students in that school to whom a State
16 assessment was administered, the percent of students scoring in the
17 partially proficient range in both the language arts and mathematics
18 subject areas of the State assessments exceeded 40% in each of the
19 prior two school years; or

20 (2) among all students in that school to whom a State
21 assessment was administered, the percent of students scoring in the
22 partially proficient range in either the language arts or mathematics
23 subject area of the State assessments exceeded 65% in each of the
24 prior two school years.

25 (3) A school shall continue to be designated a low performing
26 school until such time that the percent of students scoring in the
27 partially proficient range in both the language arts and mathematics
28 subject areas of the State assessments is less than or equal to the
29 Statewide percent of students scoring in the partially proficient
30 range on the corresponding State assessments.
31

32 3. (New section) a. The parents and legal guardians of
33 students enrolled in a low performing school may initiate reform at
34 the school through the submission of a parent petition to the board
35 of education or, in a school district under full State intervention,
36 the State district superintendent. The parent petition shall:

37 (1) include signatures representing more than 50% of the
38 households in which the school’s students reside; and

39 (2) specify which of the three reform measures identified
40 pursuant to section 4 of this act is requested of the board of
41 education or the State district superintendent.

42 b. The board of education or State district superintendent shall
43 implement the reform measure requested through the parent petition
44 in the next school year commencing at least 180 days after the
45 petition’s receipt.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 4. (New section) The parents and legal guardians of students
2 enrolled in a low performing school may request that the board of
3 education or, in a school district under full State intervention, the
4 State district superintendent implement any of the following reform
5 measures through the parent petition process established pursuant to
6 section 3 of this act:

7 a. reopening the school as a charter school under the guidance
8 of a charter management organization or education management
9 organization approved by the Commissioner of Education for this
10 purpose. Any student enrolled in the school prior to its conversion
11 may reenroll in the charter school;

12 b. a change in school leadership including, but not limited to,
13 replacing the school principal and any other staff who are relevant
14 to the school's designation as a low performing school; or

15 c. establishment of a tuition voucher system through which a
16 tuition voucher is provided to each parent or guardian who requests
17 one.

18 (1) The tuition voucher shall equal the lesser of: the actual cost
19 per pupil of the school enrolling a voucher student; or 75% of the
20 actual comparative cost per pupil for the prior school year at the
21 low performing school, as reported in the Department of
22 Education's Comparative Spending Guide. The tuition voucher
23 may be used to attend a nonpublic school or public school in the
24 State.

25 (a) If a tuition voucher is redeemed in order to attend a public
26 school in another school district, the district shall enroll the student
27 and no further tuition shall be required for attendance.

28 (b) If a tuition voucher is redeemed in order to attend a
29 nonpublic school, the parent or guardian shall be responsible for
30 any difference in tuition.

31 (2) Transportation shall be provided to a voucher student
32 attending a nonpublic school or a public school outside of his
33 school district of residence pursuant to the provisions of
34 N.J.S.18A:39-1 applicable to nonpublic school transportation.

35 (3) Any student who receives a voucher shall be eligible to
36 continue to receive a voucher until graduation from the public or
37 nonpublic school of attendance.

38
39 5. (New section) The board of education or State district
40 superintendent shall notify the Commissioner of Education and the
41 State Board of Education upon receipt of a parent petition and upon
42 its final disposition of the petition.

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44 6. Section 3 of P.L.2007, c.260 (C.18A:7F-45) is amended to
45 read as follows:

46 3. As used in this act and P.L.1996, c.138, unless the context
47 clearly requires a different meaning:

1 "At-risk pupils" means those resident pupils from households
2 with a household income at or below the most recent federal
3 poverty guidelines available on October 15 of the prebudget year
4 multiplied by 1.85;

5 "Base per pupil amount" means the cost per elementary pupil of
6 delivering the core curriculum content standards and extracurricular
7 and cocurricular activities necessary for a thorough and efficient
8 education;

9 "Bilingual education pupil" means a resident pupil enrolled in a
10 program of bilingual education or in an English as a second
11 language program approved by the State Board of Education;

12 "Budgeted local share" means the district's local tax levy
13 contained in the budget certified for taxation purposes;

14 "Capital outlay" means capital outlay as defined in GAAP;

15 "Combination pupil" means a resident pupil who is both an at-
16 risk pupil and a bilingual education pupil;

17 "Commissioner" means the Commissioner of Education;

18 "Concentration of at-risk pupils" shall be based on prebudget
19 year pupil data and means, for a school district or a county
20 vocational school district, the number of at-risk pupils among those
21 counted in resident enrollment, divided by resident enrollment;

22 "County special services school district" means any entity
23 established pursuant to article 8 of chapter 46 of Title 18A of the
24 New Jersey Statutes;

25 "County vocational school district" means any entity established
26 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
27 Statutes;

28 "CPI" means the increase, expressed as a decimal, in the average
29 annualized consumer price index for the New York City and
30 Philadelphia areas in the fiscal year preceding the prebudget year
31 relative to the previous fiscal year as reported by the United States
32 Department of Labor;

33 "Debt service" means payments of principal and interest upon
34 school bonds and other obligations issued to finance the purchase or
35 construction of school facilities, additions to school facilities, or the
36 reconstruction, remodeling, alteration, modernization, renovation or
37 repair of school facilities, including furnishings, equipment,
38 architect fees, and the costs of issuance of such obligations and
39 shall include payments of principal and interest upon bonds
40 heretofore issued to fund or refund such obligations, and upon
41 municipal bonds and other obligations which the commissioner
42 approves as having been issued for such purposes;

43 "District income" means the aggregate income of the residents of
44 the taxing district or taxing districts, based upon data provided by
45 the Division of Taxation in the New Jersey Department of the
46 Treasury and contained on the New Jersey State Income Tax forms
47 for the calendar year ending two years prior to the prebudget year.

1 The commissioner may supplement data contained on the State
2 Income Tax forms with data available from other State or federal
3 agencies in order to better correlate the data to that collected on the
4 federal census. With respect to regional districts and their
5 constituent districts, however, the district income as described
6 above shall be allocated among the regional and constituent districts
7 in proportion to the number of pupils resident in each of them;

8 "Equalized valuation" means the equalized valuation of the
9 taxing district or taxing districts, as certified by the Director of the
10 Division of Taxation on October 1, or subsequently revised by the
11 tax court by January 15, of the prebudget year. With respect to
12 regional districts and their constituent districts, however, the
13 equalized valuations as described above shall be allocated among
14 the regional and constituent districts in proportion to the number of
15 pupils resident in each of them. In the event that the equalized table
16 certified by the director shall be revised by the tax court after
17 January 15 of the prebudget year, the revised valuations shall be
18 used in the recomputation of aid for an individual school district
19 filing an appeal, but shall have no effect upon the calculation of the
20 property value rate, Statewide average equalized school tax rate, or
21 Statewide equalized total tax rate;

22 "Full-day preschool" means a preschool day consisting of a six-
23 hour comprehensive educational program in accordance with the
24 district's kindergarten through grade 12 school calendar;

25 "GAAP" means the generally accepted accounting principles
26 established by the Governmental Accounting Standards Board as
27 prescribed by the State board pursuant to N.J.S.18A:4-14;

28 "General special education services pupil" means a pupil
29 receiving specific services pursuant to chapter 46 of Title 18A of
30 the New Jersey Statutes;

31 "Geographic cost adjustment" means an adjustment that reflects
32 county differences in the cost of providing educational services that
33 are outside the control of the district;

34 "Household income" means income as defined in 7 CFR ss.245.2
35 and 245.6 or any subsequent superseding federal law or regulation;

36 "Net budget" means the sum of the district's general fund tax
37 levy, State aid received pursuant to the provisions of this act other
38 than preschool education aid, miscellaneous revenue estimated
39 pursuant to GAAP, and designated general fund balance;

40 "Prebudget year" means the school fiscal year preceding the year
41 in which the school budget is implemented;

42 "Nonpreschool ECPA" means the amount of early childhood
43 program aid, excluding prior year carry-forward amounts, included
44 in a district's 2007-2008 school year budget certified for taxes that
45 was allocated to grades K through 3;

46 "Report" means the Educational Adequacy Report issued by the
47 commissioner pursuant to section 4 of this act;

1 "Resident enrollment" means the number of pupils other than
2 preschool pupils, post-graduate pupils, and post-secondary
3 vocational pupils who, on the last school day prior to October 16 of
4 the current school year, are residents of the district and are enrolled
5 in: (1) the public schools of the district, excluding evening schools,
6 (2) another school district, other than a county vocational school
7 district in the same county on a full-time basis, or a State college
8 demonstration school or private school to which the district of
9 residence pays tuition, **[or]** (3) a State facility in which they are
10 placed by the district , or (4) another school district or nonpublic
11 school through the use of a tuition voucher provided pursuant to
12 P.L. , c. (C.) (pending before the Legislature as this bill) ; or
13 are residents of the district and are: (1) receiving home instruction,
14 or (2) in a shared-time vocational program and are regularly
15 attending a school in the district and a county vocational school
16 district . In addition, resident enrollment shall include the number
17 of pupils who, on the last school day prior to October 16 of the
18 prebudget year, are residents of the district and in a State facility in
19 which they were placed by the State. Pupils in a shared-time
20 vocational program shall be counted on an equated full-time basis
21 in accordance with procedures to be established by the
22 commissioner. Resident enrollment shall include regardless of
23 nonresidence, the enrolled children of teaching staff members of the
24 school district or county vocational school district who are
25 permitted, by contract or local district policy, to enroll their
26 children in the educational program of the school district or county
27 vocational school district without payment of tuition. Disabled
28 children between three and five years of age and receiving programs
29 and services pursuant to N.J.S.18A:46-6 shall be included in the
30 resident enrollment of the district;

31 "School district" means any local or regional school district
32 established pursuant to chapter 8 or chapter 13 of Title 18A of the
33 New Jersey Statutes;

34 "State facility" means a State developmental center, a State
35 Division of Youth and Family Services' residential center, a State
36 residential mental health center, a Department of Children and
37 Families Regional Day School, a State training school/secure care
38 facility, a State juvenile community program, a juvenile detention
39 center or a boot camp under the supervisory authority of the
40 Juvenile Justice Commission pursuant to P.L.1995, c.284
41 (C.52:17B-169 et seq.), or an institution operated by or under
42 contract with the Department of Corrections, Children and Families
43 or Human Services, or the Juvenile Justice Commission;

44 "Statewide equalized school tax rate" means the amount
45 calculated by dividing the general fund tax levy for all school
46 districts, which excludes county vocational school districts and
47 county special services school districts as defined pursuant to this

1 section, in the State for the prebudget year by the equalized
2 valuations certified in the year prior to the prebudget year of all
3 taxing districts in the State except taxing districts for which there
4 are not school tax levies;

5 "Tax levy growth limitation" means the permitted annual
6 increase in the adjusted tax levy for a school district as calculated
7 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and
8 18A:7F-39).

9 (cf: P.L. 2010, c.44, s.6)

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11 7. This act shall take effect immediately.
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15 STATEMENT

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17 This bill empowers the parents and legal guardians of students
18 enrolled in low performing schools to initiate reform at their
19 schools through a petition process. A parent petition that includes
20 signatures representing more than 50% of the households in which
21 the school's students reside can be submitted to the board of
22 education or, in a school district under full State intervention the
23 State district superintendent, requesting one of the three reform
24 options specified in the bill. The board of education or State district
25 superintendent must implement the reform measure requested
26 through the parent petition in the next school year commencing at
27 least 180 days after the petition's receipt.

28 The reform measures that may be requested through a parent
29 petition include:

30 (1) reopening the school as a charter school under the guidance
31 of a charter management organization or education management
32 organization approved by the Commissioner of Education for this
33 purpose;

34 (2) a change in school leadership including, but not limited to,
35 replacing the school principal and any other staff who are relevant
36 to the school's designation as a low performing school; or

37 (3) establishment of a tuition voucher system through which a
38 tuition voucher is provided to each parent or guardian who requests
39 one.

40 The tuition voucher will equal the lesser of: the actual cost per
41 pupil of the school enrolling a voucher student; or 75% of the
42 school district's actual comparative cost per pupil in the prior
43 school year, as reported in the Department of Education's
44 Comparative Spending Guide and may be used at any nonpublic
45 school or public school in the State.

46 Under the bill, the board of education or State district
47 superintendent must notify the Commissioner of Education and the

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- 1 State Board of Education upon receipt of a parent petition and upon
- 2 its final disposition of the petition.